

Peretz Bronstein (pb8628)
Bronstein Gewirtz & Grossman, LLC
60 East 42nd Street, Suite 4600
New York, New York 10165
(212) 697-6484
Attorneys for Defendants
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED TORAH ED. & SCHOLARSHIP
FUND, INC.,

Plaintiff,

--against--

13-cv-3619(RJS)

SOLOMON CAPITAL, LLC, et al.,
Defendants.

DECLARATION OF SHLOMO SHARBAT

Shlomo Sharbat, under penalty of perjury, hereby declares and states:

1. I am a defendant in this action and Trustee of defendants Solomon Capital 401(k) Trust and Solomon Capital Living Trust (the "Trust Defendants").
2. I immigrated to Israel from New York in August 2010. I reside in an apartment in Tel Aviv with my elderly parents, nearby extended family.
3. In 2010 I became an Israeli citizen (copy of my Israeli passport attached as Exhibit A). I vote in Israel.
4. I have an Israeli driver's license (copy attached as Exhibit B).
5. I would pay Israeli income tax were I not exempt until 2020 as a new immigrant.
6. My active bank accounts are in Israel. I no longer do any banking in the US (any accounts in the US are dormant).

7. I have no active ties with the US (other than business associates with whom I speak over the telephone or via email).

8. I note that Mr. Simon Schwarz, my former counsel and counsel to United Torah in this action, as my attorney in another action drafted for me to sign an affidavit in January, 2012, stating that I am a resident of Israel. He emailed the draft affidavit to sign (see Exhibit C hereto) and eventually submitted the signed affidavit to the Supreme Court, New York County.

9. Mr. Schwarz drafted the following language for me to sign:

. . . for some time, I have resided in Tel Aviv, Israel for at least two years and did not reside at the Kessel St. [Queens, NY] address at any time since. That address is for a house owned by my parents, who also moved to Israel well over two years ago, but have had difficulties in selling it due to a poor sellers' market in the area. No one lives at that house, and it would be obvious to anyone who exercised due diligence in serving legal papers there. Indeed, my mail is reviewed and picked up by a friend, Mr. Michelle, once a month or so, based on his availability.

Having drafted this language himself and submitted the signed affidavit to the Supreme Court, I am surprised that Mr. Schwarz now takes a contrary position in this action.

10. By the way, after sitting vacant for a number of years, my parents' Queens home was sold in December 2012. As of today, we no longer have any US residence and no plans to return.

Dated: November 18, 2013

Under penalties of perjury

/s/ Shlomo Sharbat

